

JEFFERSON COUNTY COMMISSIONERS  
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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
March 11, 2008**

**Present:** Commissioners Lythgoe, and Weber; Sam Little, Weed Board; Charlene Hall; Cheryl Hasaaker; Bill Kosola; Stephanie Blusenak; Melissa Morris.

**Absent:** Commissioner Notbohm

**MINUTES**

Commissioner Lythgoe moved to accept the minutes of February 19. Commissioner Weber seconded. The motion carried.

**REPORTS**

Receipt of the Treasure's report in the amount of \$14,492,257.00

**CALENDAR REVIEW**

- 3/12 Environomics meeting - 9:00
- 3/13 Helena lawsuit mediation - 9:00
  - Library Board - 6:30
  - Survey Review Committee - 9:00
  - Meet with Sheriff/ Madison Co. on Sappington Junction and Williams Bridge - 1:30
  - MTAG - 5:00
  - Weed Board - 6:00
- 3/14 Planning meeting/ Sheridan at Bethany Hall - 9-4:00

**COMMISSION REPORTS**

**ROAD CONCERNS**

Commissioner Weber reported on his meeting with Joe Carter and Joe Husky about current road concerns and said that everything was good. It was a positive meeting.

**JEFFERSON COUNTY NORTH END ISSUES**

March 11, 2008 minutes.wpd

Commissioner Weber reported that he met with Joe Carter and Flay Froman on March 6<sup>th</sup> concerning north-end issues and that there were none.

### **AFFORDABLE HOUSING**

Commissioner Weber reported that on Thursday March 6<sup>th</sup> he and Commissioner Lythgoe attended and spoke a few words at the ground breaking ceremony for the National Affordable Housing Network project in Boulder.

### **WHITEHALL POLLING/VOTING PLACE**

Commissioner Weber reported that he went with Bonnie Ramey, Jefferson County Election Official, on Friday March 7<sup>th</sup> to review the Whitehall Community Center as a potential new site for a polling/voting place. There have been electrical and structural upgrades made, and they both felt it would be of good use for that purpose.

### **MOVING POLLING/VOTING PLACES**

Commissioner Weber reported that he and Commissioner Lythgoe had a meeting with Bonnie Ramey, Jefferson Co. Election official, on Tuesday March 11<sup>th</sup>. It was decided that Cardwell would join Whitehall in a move of polling/voting places to the Whitehall Community Center, and that Basin would join Boulder in a move of polling/voting places to the Jefferson County fairgrounds, if the variances were not given by the state.

### **ROAD/SOLID WASTE MEETING**

Commissioner Weber reported that he and Commissioner Lythgoe attended a meeting with Joe Carter, Road Superintendent, on Tuesday March 11<sup>th</sup>. There were no major issues.

### **ELKHORN GROUP**

Commissioner Lythgoe reported that he attended the 4<sup>th</sup> Elkhorn Group management meeting for the public. They shared what they've been doing ie. vegetation studies relating to Elk populations and cattle grazing. There were about 60 people in attendance. It was a informative gathering and the group intends to continue it's work and will make reports available.

### **CORRESPONDENCE**

Commissioner Weber noted that the Commission has received an e-mail and forms for Property/Physical Damage Insurance to be filled out and signed. Commissioner Weber will fill out and sign the paperwork. The e-mail also contained a discussion between Bonnie Ramey, Clerk and Recorder, and Anna Cossel, Jefferson County insurance agent, regarding potential premium adjustments.

Commissioner Weber noted that the Commission received an e-mail from Bonnie Ramey, Clerk and Recorder, asking them to note receipt of the Treasurers report in the minutes, as well as the February expense and revenue reports.

### **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

DISCUSS AND DECIDE ON REFUND OF OVERPAYMENT OF TAXES BY GEORGE AND COLLEEN TEELING.

Commissioner Weber noted that the Teelings were not present at the meeting then read the letter from them explaining the over assessment of their property by the Montana Department of Revenue, subsequent over payment of their taxes in the amount of approximately \$800.00, and acknowledgment by the Department of Revenue that an error had been made and corrected for 2008 but that nothing could be done about the 2007 taxes other than legal action. The Teelings were appealing to the commission office to refund the \$800.00 overpayment.

The Commissioners agreed from the evidence of the paperwork that the error had been made. They also noted that the money for the refund would not be forth coming from the Dept. of Revenue or the Jefferson County Treasurer's office. Commissioner Lythgoe noted that though there was no requirement obligating the Commission under the law he felt compelled that the Commission should do the right thing by the Teelings and the money should be refunded. Commissioner Notbohm, though not at the meeting, had voiced his opinion strongly in favor of the refund.

The Commissioners discussed some alternative financing of the refund without resolve. Commissioner Lythgoe moved that the refund be made from money in the general fund or from PILT funds. Commissioner Weber seconded. The motion carried.

DISCUSS AND DECIDE ON FUNDING 501 (C)(3) APPLICATION FOR LOCAL ANIMAL SHELTER AND CARE COMMITTEE

Charlene Hall presented the Commission with information on the status of the animal shelter and care committee including verbal information, a list of definitions pertaining to the committee, bylaws of the committee, and a conflict of interest policy. The committee was requesting the commission to fund the \$750.00 needed for the 501 (c)(3) application for non-profit tax status.

Commissioner Weber stated that he had spoken to Tiffany Heaton, Deputy County Attorney, who advised him that there was a risk of conflict of interest with the county's involvement at this point. Charlene said that the committee had also spoken to Tiffany and that she had said nothing about that to them.

Commissioner Weber then moved not to fund the 501 (c)(3) application. Commissioner Lythgoe seconded. The motion carried.

AMEND RESOLUTION 05-2008 A RESOLUTION TO PLACE PUBLIC HEALTH MILLS ON THE JUNE BALLOT

Commissioner Weber stated that more time was needed for ideas and information before a decision could be made. This item will be on the next agenda.

RESOLUTION 10-2008 RESOLUTION TO PLACE WEED MILLS ON THE JUNE BALLOT

Sam Little, Jefferson Co. Weed Board, stated that he was comfortable with the resolution and that he had reviewed it with the County Attorney. The resolution was read as follows:

## **RESOLUTION 10-2008**

### **RESOLUTION TO PLACE WEED MILLS ON THE JUNE BALLOT**

**WHEREAS**, 7-22-2142, MCA, permits the governing body of a county to raise money by taxation for Noxious Weed Control in excess of the levies allowed by law, subject to the provisions of 15-10-420, MCA, and

**WHEREAS**, the Jefferson County Weed Board has requested the governing body of Jefferson County place a Special Weed District Mill on the June 2008 primary election ballot in increase the levy by three (3) mills, based on the estimated value of one mill being twenty-one thousand dollars (\$21,000). The extra funds will be used for the following:

A. An allocation of two (2) mills, approximately Forty-Two Thousand dollars (\$42,000) will be used to support the county-wide herbicide cost share program. Thus allowing residents and landowners to acquire herbicides at a reduced cost and provide some reimbursement of other herbicide cost.

B. One (1) mill, approximately Twenty-One Thousand dollars (\$21,000), will be allocated to the following activities:

1. Nine thousand dollars (\$9,000) will be used for weed control in the municipalities, cemeteries, ball fields, rodeo grounds, and other areas designated as having public interest.

2. The District will use five thousand dollars (\$5,000) for educational programs to promote good land stewardship, aid residents in obtaining applicator licenses and inform people in the safe and correct use of herbicides.

3. Seven thousand dollars (\$7,000) to research and apply techniques to work on specific location and weed problems and mitigating methods, bio-control, and weed mapping and inventory.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of County Commissioners of Jefferson County, pursuant to 7-22-2142, MCA, hereby declare a financial need to seek additional mills for the Jefferson County Weed Board and will place before the qualified electors a noxious weed control mill on the June 2008 primary ballot requesting three (3) mills for the Jefferson County Weed District for a period not to exceed four (4) years and shall place the question as follows:

### **NOXIOUS WEED CONTROL MILL BALLOT**

The proposed ballot measure would increase tax liability for the 2009 tax year and for the four tax years thereafter, in the amount of 3 mills so as to generate approximately \$63,000 per year for use by the Jefferson County Weed Board during the Fiscal year 2009 and for three additional fiscal years thereafter for the following:

1. An allocation of Forty-Two Thousand dollars (\$42,000), will be used to support the county-wide herbicide cost share program, thus allowing residents and landowners to acquire herbicides at reduced cost.

2. Nine Thousand dollars (\$9,000) will be used for weed control in the municipalities, cemeteries, ball fields, rodeo grounds, and other areas designated as having public interest.

3. The District will use Five Thousand dollars (\$5,000) for educational programs to promote good land stewardship, aid residents in obtaining applicator license and inform people in the safe and correct use of herbicides.

4. The District shall use the remaining amount, approximately Seven Thousand dollars (\$7,000) to research and apply techniques to work on specific location and weed problems and mitigating methods, bio-control, and weed mapping and inventory. Any remaining amounts will be used for District operations and special community projects.

The tax impact of the election of three (3) mills on a residence with a phase-in value of fifty thousand (\$50,000) would be \$3.15; one hundred thousand (\$100,000) would be approximately \$6.30; on a residence with a phase-in value of two hundred thousand (\$200,000) would be approximately \$12.60.

☐ FOR authorizing an additional three (3) mills for the Jefferson County Weed Board

☐ AGAINST authorizing an additional three (3) mills for the Jefferson County Weed Board

**DATED** this 11<sup>th</sup> day of March, 2008.

**ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**

Commissioner Lythgoe moved to adopt resolution 10-2008. Commissioner Weber seconded. The motion carried.

**RESOLUTION 12-2008 RESOLUTION IN SUPPORT OF THE PREFERRED ALTERNATIVE FOR THE MONTANA TUNNELS EIS**

The resolution was read as follows:

**RESOLUTION 12-2008**

**RESOLUTION IN SUPPORT OF ENVIRONMENTALLY RESPONSIBLE AND ECONOMICALLY IMPORTANT MINING**

**WHEREAS**, mining is imperative to meet the consumptive needs of our nation, our state, our communities and families; and

**WHEREAS**, the state of Montana hosts economically viable mineral ore deposits that have helped to make mining a big part of our cultural and economic foundation; and

**WHEREAS**, the existing and proposed mining projects in our area do and will operate under the watchful eye of regulatory agencies and have and must meet or exceed the state and federal environmental standards set by society to assure that mining is environmentally sensitive and safe; and

**WHEREAS**, the hard-working individuals and families that make up our communities derive a direct benefit from environmentally responsible and profitable private mining activities in Montana; and

**WHEREAS**, Montana Tunnels is one of the largest private industrial job creators and wage generators in Jefferson County and currently employs 208 mining families with a living wage and benefits; and

**WHEREAS**, Montana Tunnels is one of Jefferson County's single largest taxpayers, contributing approximately \$1.6 million annually to the Jefferson County tax base, and while spending approximately \$25 million in Montana on goods and services annually, is critical to the retention of our retail, service, utility, city, county and teaching jobs; and

**WHEREAS**, Montana Tunnels has, though necessary and lawful revisiting of their

reclamation and operational planning since 1986, increased the reclamation bond held by the state from \$1.5 million to over \$18 million and will be posting additional bonding with approval of this permit expansion; and

**WHEREAS**, Montana Tunnels has been a respectable neighbor, conscientious steward and good corporate citizen that operates with an open door policy and is important to general philanthropy with benefits many organizations, civic groups and services.

**NOW THEREFORE, BE IT RESOLVED** by the Jefferson County Board of Commissioners that it be known by the citizens of this State that we are in support of mining such as that being done at the Montana Tunnels mine and support Montana Tunnels' life-of-mine expansion request.

- ↪ They meet our vision of sustainability in that they provide for human kind today without compromising the ability of future generations to do the same.
- ↪ We acknowledge that mining such as that being done at the Montana Tunnels mine can be done under existing and every improving state and federal law and meet the necessary safeguards for our important environment.
- ↪ The jobs that flow from these business endeavors are critically important to the social and economic well-being of our citizens and communities.
- ↪ The taxes paid by mining operations such as Montana Tunnels are important to sustain the operation of our local, county and state governments, including our schools and all other essential services.

**DATED** this 11<sup>th</sup> day of March, 2008.

**ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**

Commissioner Lythgoe moved to adopt resolution 12-2008 and that it be sent along to everybody concerned. ( MT Tunnels, DEQ, BLM, USFS, Environomics, etc.)

**MEETING ADJOURNED**

Commissioner Lythgoe moved to adjourn. Commissioner Weber seconded. The motion carried.

**ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**